IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.2412 of 2008
LAKHAN PRASAD @ LAKHAN PRASAD KESHARI & ORS
Versus
THE STATE OF BIHAR
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4. 6.5.2008. The petitioners who are apprehensive of their arrest in connection with Gaya Civil Lines P.S. Case No.334 of 2004 registered under Sections 385, 387, 427/34 I.P.C. have prayed for anticipatory bail.

According to the prosecution case, at about 10 A.M. on 8.12.2004, Shrawan Kumar, had demanded Rs.5,00,000/- as **Rangdari** from the informant which was to be sent to his residence within 24 hours and if the amount was not paid within the stipulated time, threats of kidnapping him were advanced. It is alleged that at around 2.30 P.M. on 9.12.2004, the said Shrawan Kumar along with five accomplices variously armed with lethal weapons came to the house of the informant and started dismantling the walls and doors of the rear portion of the factory whereupon the informant with his brother , Manoj, arrived and raised protest. They also reprimanded the informant for not paying the **Rangdari** money and threatened to drive him and his brother out of the **mohalla** and also dispose of their factory.

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It has been submitted on behalf of the petitioners that the police after due investigation had found the case to be false and that apart from Shrawan Kumar none of the other accused had been named in the F.I.R. It was also submitted that there was land dispute between the parties which had led to the false implication and notwithstanding

the same the learned Chief Judicial Magistrate on perusal of the case diary took cognizance against the petitioners.

On the other hand, the learned A.P.P. in opposing the prayer for bail submitted that from the materials available in the case diary specially paragraphs 44, 46, 65, 75, 92 and 100, there was sufficient materials against the petitioner, Shrawan Kumar and the Inspector and Dy.S.P. had also found the case to be true vide paragraphs 30 and 75 respectively of the case diary. So far as the other accused are concerned, there were sufficient materials against them in paragraphs 17, 18, 30, 44, 56, 64, 65, 67, 76, 92 and 100 of the case diary and in their case also the Inspector and the Dy.S.P. had found the case to be true and in such a situation and with the threat of kidnapping and ousting of the informant and his brother from the **mohalla**, disposal of their factory and kidnapping them for non payment of **Rangdari** was a serious offence which touched the society at large.

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With the prevailing tendency of demanding **Rangdari** and kidnapping people for non payment thereof having an adverse effect of the society at large, disturbing the peace and tranquility the petitioners alleged to have committed such offence do not deserve anticipatory bail. The fact of there being a land dispute is their defence.

Accordingly, the prayer for anticipatory bail is hereby rejected.

(Abhijit Sinha,J)

Sanjay/-

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